

# United States District Court

WESTERN DISTRICT OF WASHINGTON

TROLLERS FLEMING,

v.

PAT GLEBE,

JUDGMENT IN A CIVIL CASE

CASE NO. C09-5678 RBL/JRC

\_\_\_\_ **Jury Verdict.** This action came before the Court for a trial by jury. The issues have been tried and the jury has rendered its verdict.

  X   **Decision by Court.** This action came to trial or hearing before the Court. The issues have been tried or heard and a decision has been rendered.

THE COURT HAS ORDERED THAT

- (1) The Court adopts the Report and Recommendation;
- (2) The majority of the petition is DISMISSED as procedurally barred. The one exhausted claim regarding ineffective assistance of counsel is without merit; and
- (3) In accordance with Rule 11 of the Rules Governing Section 2254 Cases in the United States District Courts, a certificate of appealability is DENIED with respect to all claims asserted by petitioner in his habeas petition.

\_\_\_\_\_  
September 16, 2010  
Date

\_\_\_\_\_  
WILLIAM M. McCOOL  
Clerk

\_\_\_\_\_  
s / Mary Trent  
Deputy Clerk